



## CITY OF HAYWARD AGENDA REPORT

Planning Commission  
Meeting Date 09/23/99  
Agenda Item 1

**TO:** PLANNING COMMISSION

**FROM:** Nancy M. Hutar, Project Planner

**SUBJECT:** USE PERMIT APPLICATION NO. 99-160-21 - BAY PLASTERING, INC. (APPLICANT), CYPRESS INDUSTRIAL LLC (OWNERS) - Request to operate an outdoor storage yard.

The project location is 25370 Cypress Avenue, between Austin Avenue and West Harder Road in an Industrial (I) District.

### RECOMMENDATION:

It is recommended that the Planning Commission find that the project is exempt from environmental review, and approve the project subject to the attached findings and conditions of approval.

### DISCUSSION:

#### *Background and Setting*

The 98,977-square-foot (2.27 acres) site is located on the northeast side of Cypress Avenue, between Austin Avenue and West Harder Road. The property is somewhat rectangular in shape with a 297-foot street frontage, a depth of 436 feet and a rear property width of 160 feet. The parcel is developed with two concrete tilt-up industrial buildings, one that is 8,431 square feet in area and one that is 28,820 square feet in area.

The property owner proposed to subdivide the lot into two parcels with one building on each new parcel, but staff required that the uses on the lot be brought into compliance with the Zoning Code. Specifically, a Use Permit was required for the existing outdoor storage of contractors' materials for Bay Plastering, Inc., because the property is located adjacent to a multiple-family residential use. Bay Plastering is located at the southeast corner of the site and they have an office (220 square feet), an enclosed warehouse (2,888 square feet), and two open sheds located in a 10,600-square-foot dirt yard that is enclosed by a 6-foot-high chain link fence.

#### *Land Use*

Properties across Cypress Avenue include multiple-family residential uses with scattered industrial uses. Other industrial, warehouse and multiple-family residential uses are located to

The project site is located within the Industrial (I) zoning district, where contractors' storage yards are permitted, but with a use permit if adjacent to a residential use. Due to the proximity of other industrial uses in the immediate area, staff believes there will be no conflict between the proposed use and surrounding uses. Renovation of this facility will also enhance the immediate area and contribute to the area's economic viability.

This project is consistent with the Jackson Triangle Neighborhood Plan, which recognizes a need to encourage industrial property owners to make "good neighbor" improvements such as landscaping and façade renovations. The following table summarizes the existing uses, zoning and general plan designations for the site and the surrounding area.

SUMMARY OF DESIGNATIONS AND USES			
Area	General Plan and Jackson Triangle Neighborhood Plan	Zoning	Existing Uses
Subject site	Mixed Industrial	Industrial (I)	Industrial and warehouse
North	Mixed Industrial and High Density Residential	Industrial (I) and High Density Residential (RH)	Industrial, warehouse and multiple-family
South	Eden Greenway	Industrial (I)	Park and industrial
East	Mixed Industrial	Industrial (I)	Industrial
West	High Density Residential	High Density Residential (RH)	Multiple-family

### ***Proposal***

The applicant proposes to buffer the existing outdoor storage use with new landscaping between the project site and the townhouse development to the north and the vehicle storage yard to the east. The storage area will be completely paved and building upgrades to the existing storage buildings include closure on all four sides. The applicant will also remove the existing storage of materials on the roofs of the buildings.

### ***Architecture/Design***

The existing buildings are structured out of both wood and concrete. The sheds are wood and are open on one side. Therefore, in addition to the structures being brought into compliance with the most current UBC, staff has placed a condition of approval on the project to have the structures stuccoed and painted to match the existing industrial concrete tilt-up building on the site. This condition will help the entire site to maintain a cohesive appearance. Submittal of those construction plans and elevations has been made a condition of approval to be approved by the Planning Director.

### ***Parking and Vehicular Circulation***

The existing parking lot has recently been re-surfaced and will need to be re-stripped. Conditions of approval require an on-site parking and circulation plan consistent with the City's Off-Street Parking Regulations. This includes re-stripping of the parking stalls and installation of handicapped parking stalls.

### ***Landscaping***

The applicant is required to submit a detailed landscape and irrigation plan prepared by a licensed landscape architect for review and approval prior to issuance of a building permit. The site plan shows a new landscape buffer along the north property line to visually buffer the project site from the adjacent townhouse development. The applicant will also install a landscape buffer strip along the east property line to screen the adjacent vehicle storage yard. All landscaping is required to meet the City's landscaping requirements and standards for industrial development.

### ***Lighting***

A lighting plan, which complies with the City's Security Ordinance provisions, will be submitted for staff review and approval. The exterior lighting will be designed so that illumination is confined to the property and directed to reflect away from the townhouse development to the north of the project site.

### **ENVIRONMENTAL REVIEW:**

The proposal is defined as a "project" under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines. However, it qualifies for a categorical exemption under Section 15332 (In-Fill Development Projects), Class 32 of the CEQA Guidelines.

### **PUBLIC NOTICE:**

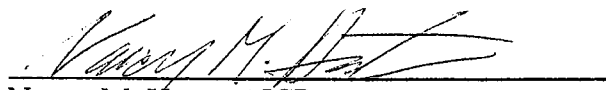
On June 23, 1999, a referral notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Fagundes Street Homeowners Association and the Jackson Triangle Neighborhood Task Force members. The referral notice provided an opportunity for persons to comment on the project at the early stages of the submittal. No comments were received.

On September 3, 1999, a Planning Commission public hearing notice was mailed to every property owner and occupant within 300 feet of the subject site, abutting residents and all interested parties as noted on the latest assessor's records. Notice was also provided to the Fagundes Street Homeowners Association, the Jackson Triangle Neighborhood Task Force members and appropriate public agencies. No one has responded to the notice to date.

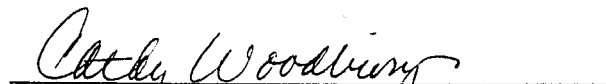
## CONCLUSION:

Improvements proposed to the buildings and the outdoor storage yard will upgrade the area and will be an asset to the surrounding businesses, residents and the City of Hayward. Staff believes that the location of the project site and its relationship to the surrounding uses will not adversely impact the area.

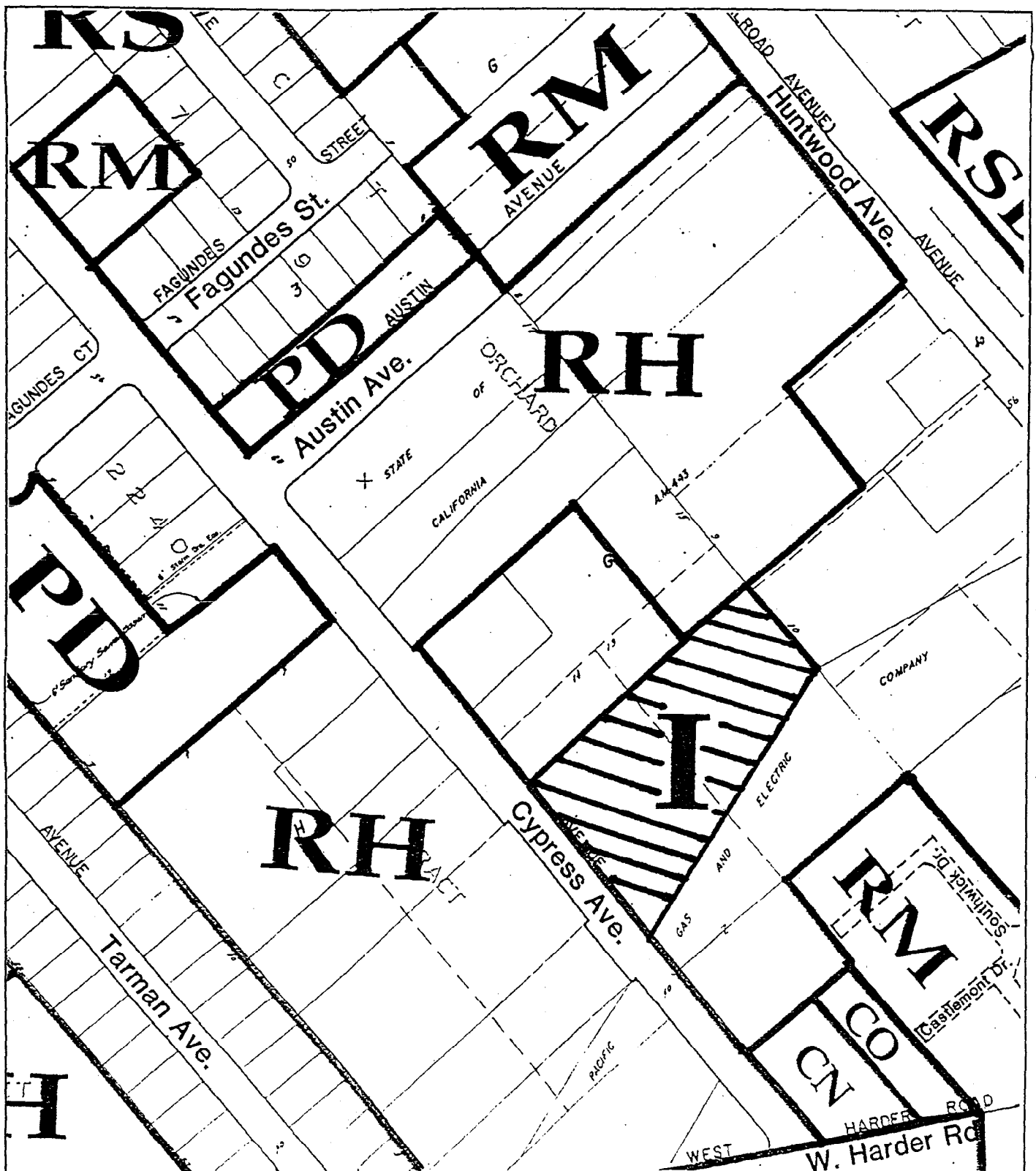
Prepared by:

  
Nancy M. Hutar, AICP  
Project Planner

Recommended by:

  
Cathy Woodbury, ASLA/AICP  
Principal Planner/Landscape Architect

Attachments: A. Area Map  
B. Findings for Approval  
C. Conditions of Approval  
Plans



**ZONING/AREA MAP ■ UP 99-160-21**

Edward Nava (Applicant)

Cypress Industrial LLC c/o Martin H. Baccaglio (Owner)

25370 Cypress Ave.

ATTACHMENT A

## **FINDINGS FOR APPROVAL**

Use Permit Application No. 99-160-21

25370 Cypress Avenue

Bay Plastering, Inc. (Applicant)

Cypress Industrial LLC (Owner)

Based on the staff report and the public hearing record:

1. That the Planning Commission find that the Categorical Exemption is complete and final in accordance with the California Environmental Quality Act Guidelines and reflects the independent judgment of the Planning Commission based on the fact that the project conforms to Section 15332 (In-Fill Development Projects), Class 32 of CEQA.
2. That the project, as conditioned, is desirable for the public convenience or welfare since the zoning and code compliance of the business and property will upgrade the area.
3. That the project, as conditioned, will not impair the character and integrity of the Industrial (I) zoning district and surrounding area in that it is in character with the surrounding development and uses, and will not conflict with existing uses.
4. That the project, as conditioned, will not be detrimental to the public health, safety, or general welfare as evidenced by the fact that it is in conformance with the Hayward General Plan, the Jackson Triangle Neighborhood Plan and the Industrial (I) zoning district.
5. That the project, as conditioned, is in harmony with applicable City policies as well as the intent and purpose of the Industrial (I) zoning district in that the use will be compatible with industrial activity and provides additional services desirable to other businesses and the building industry.

**CONDITIONS OF APPROVAL**  
Use Permit Application No. 99-160-21  
25370 Cypress Avenue  
Bay Plastering, Inc. (Applicant)  
Cypress Industrial LLC (Owner)

**GENERAL**

1. The improvements shall be constructed and operated in accordance with these conditions and plans approved by the Planning Commission on September 23, 1999, labeled Exhibit "A".
2. This approval is void one year after the effective date of approval unless the City Building Official has accepted a building permit as complete. Any modification to the approved plans shall require review and approval by the Planning Director.
3. All pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director, prior to the issuance of a Certificate of Occupancy.
4. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
5. A copy of these conditions of approval shall be included in and made part of any rental and/or lease agreement for the subject site and shall be posted alongside the necessary business license and be visible at all times to employees and patrons.
6. Violation of these conditions is cause for revocation of the use permit after public hearing before the duly authorized review body.

**PLANNING DIVISION**

7. No obnoxious odors shall be generated on the site.
8. The property owner/applicant shall maintain in good repair all building exteriors, awnings, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas.
9. The property owner/applicant shall stucco and paint the structures on the project site to match the existing concrete tilt-up buildings.
10. The project shall comply with the requirements of the Hayward Security Ordinance.
11. The applicant/business operator shall not display any illegal banner signs, portable signs or other illegal signs on the property.
12. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscape and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscape and irrigation plans shall comply with the City's "*Water Efficient Landscape Ordinance*". The following shall also apply:

- a. Landscape areas adjoining drives and/or parking areas shall be separated by a 6-inch high concrete curb.
  - b. Masonry walls or fences facing a street shall be buffered with shrubs and vines.
  - c. Additional 5-gallon shrubs shall be added to the frontage landscape area to supplement the existing planting. Shrubs should be massed to provide visual interest, accent the walkway and screen the parking areas. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30-inch high hedge within two years.
  - d. A minimum 20-foot-wide landscape strip shall be provided along the north property line abutting the adjacent townhouse complex and along the east property line abutting the adjacent vehicle storage yard. A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line abutting the townhouse complex and the vehicle storage yard.
  - e. A minimum 5-foot-wide landscape strip shall be provided along the east property line abutting the park within the Bay Plastering yard. One 15-gallon buffer tree shall be planted for every 20 lineal feet of landscape strip abutting the park.
  - f. All above ground utilities, mechanical equipment and trash enclosures shall be screened from the street with shrubs.
13. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced immediately with a tree species selected by, and size determined by the City's Landscape Architect.
14. Prior to any final inspection by the City, landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.

#### **BUILDING DIVISION**

15. Prior to construction or installation of improvements, a building permit must be obtained from the Building Division. All improvements must be completed in accordance with the Uniform Building Code and Uniform Fire Code as adopted by the City of Hayward.
16. Prior to the issuance of building permits, the applicant shall submit a revised site plan and proposed building elevations to the Planning Director for review and approval. Plans shall be prepared and stamped by licensed professionals in their respective fields, e.g., civil engineer, architect, and landscape architect. Plans shall include the following information:
- a. Occupancy type - Retail (Group M/S-3).
  - b. The trash enclosure area shall indicate proposed dimensions. The enclosure shall provide adequate area for storage of recyclable containers.

- c. The plans shall also indicate the number and type of refuse and recycling containers which will be used. The applicant must ensure that there is adequate space for a garbage truck to service each dumpster. The applicant shall provide for adequate on-site storage capacity for recyclables within the building, including storage space for containers to store paper, glass/plastic/metal beverage containers, and other plastics where these materials are generated. This shall be accomplished to the satisfaction of the Solid Waste Manager prior to issuance of an occupancy permit.
  - d. The proposed storm drainage layout, length, size, and invert between catch basin. Structural control shall be installed into all inlets, to treat surface runoff prior to discharging into the storm drainage system.
17. The facility shall be made handicapped accessible in compliance with Title 24 and ADA requirements.

### **FIRE DEPARTMENT**

18. Prior to the issuance of a building permit or the installation of any improvements, a signed copy of a "Hazardous Waste and Substances Statement" shall be submitted to the Planning Director.
19. The applicant shall comply with all requirements of the Uniform Fire Code and the City's Hazardous Materials Ordinance including, but not limited to, the following:
- a. Fire extinguishers required per the Uniform Fire Code.
  - b. The applicant must notify the Fire Department immediately of any tanks, abandoned piping or contamination if encountered.
  - c. The facility must comply with Uniform Fire Code (UFC) Article 52.
20. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by the Uniform Fire Code.

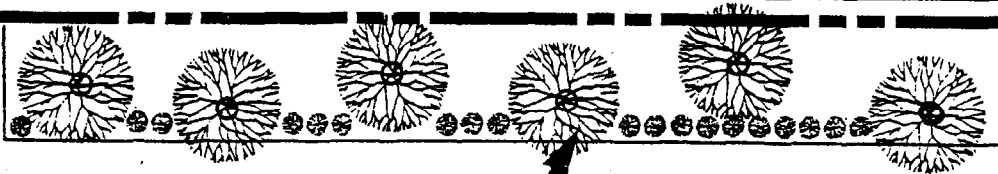
### **ENGINEERING DIVISION**

21. A grading and drainage plan shall be submitted for approval by the City Engineer.
22. An on-site parking and circulation plan consistent with the City's Off-Street Parking Regulations. This includes re-striping of the parking stalls, installation of handicapped parking stalls and the installation of landscaping.
23. The proposed storage yard shall be paved, with fossil filters installed in all catch basins.
24. Any easements necessary for access drainage or utilities shall be acquired and recorded prior to issuance of building permits.

## **UTILITIES DIVISION**

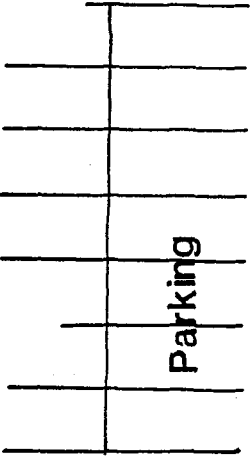
25. Outside utility meters, when not enclosed in a cabinet, shall be screened allowing sufficient distance for reader access.
26. Install separate irrigation meter to avoid sewer charges on irrigation consumption.
27. Install reduced pressure backflow prevention assembly for both domestic and irrigation meters, per City Standard Detail SD-202.
28. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
29. Water service is subject to standard conditions and fees in effect at the time of application the application is made.

Carports



Proposed Landscaped Area

Pavement



Parking

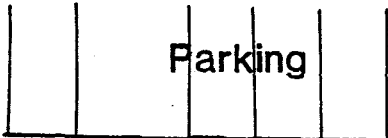
6' Fence

Gate

Shed

Paved Yard

6' Fence



Parking

Office  
220  
sq. ft.

Shed

Warehouse  
2,888 sq. ft.

6' Fence